

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)


MÜNCHEN

(PCT Article 36 and Rule 70)

Eing.:

21. April 2006

FS
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Applicant's or agent's file reference 88TY1363	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/IB2004/004009	International filing date (day/month/year) 06.12.2004	Priority date (day/month/year) Frist: 09.12.2003	
International Patent Classification (IPC) or national classification and IPC INV. F16H63/06			
Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA ET AL			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 2 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 08.07.2005		Date of completion of this report 19.04.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized officer Zevelakis, N Telephone No. +31 70 340-4813	



INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITYInternational application No.
PCT/IB2004/004009

AP3 Rec'd PCT/PTO 09 JUN 2005

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
- ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-29 as originally filed

Claims, Numbers

2-15 as originally filed

1 received on 27.03.2006 with letter of 24.03.2006

Drawings, Sheets

1/10-10/10 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify):*
 - ☐ any table(s) related to sequence listing *(specify):*
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify):*
 - ☐ any table(s) related to sequence listing *(specify):*

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2004/004009

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-6,11-14
	No: Claims	1,2,7-10,15
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/IB2004/004009

AP3 Rec'd PCT/PTO 09 JUN 2005**Re Item I****Basis of the report**

The International Preliminary Examination was performed on applicant's main request as received with the telefax of 24-03-2006, confirmed in letter of 27-03-2006.

The treatment of the further auxiliary request as received on 05-04-2006 with letter of 04-04-2006 is not foreseen under the PCT. The claim filed with this request was therefore not examined.

Since it is not at present apparent which part of the application could serve as a basis for a new claim that would meet the requirements of Articles 33(2) and 33(3) PCT, it was not found necessary or adequate to perform more than the one telephone interview that was already granted to the representative (Rule 66.6 PCT).

Re Item V**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: US 2002/155909 A1 (ROBY JOSHUA L) 24 October 2002 (2002-10-24)
- D2: US 2002/183146 A1 (YOSHIDA ISAMU ET AL) 5 December 2002 (2002-12-05)
- D3: US-A-4 705 492 (HATTORI ET AL) 10 November 1987 (1987-11-10)
- D4: US-A-5 348 517 (DICK ET AL) 20 September 1994 (1994-09-20)
- D5: US-A-4 350 491 (STEUER ET AL) 21 September 1982 (1982-09-21)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims 1 and 15 is not new in the sense of Article 33(2) PCT.

All of the above documents D1-D5 can be seen to disclose the subject matter of claims 1 and 15.

The term "integrally provided" which is used in the claims and throughout the

application is to be and has been interpreted as "provided as a whole", i.e. "fixedly connected to.." in the context of the application. It seems to be quite obvious that if a motor is provided to move a moveable sheave its should always be fixedly connected to or - in terms of the application - be "integrally provided with" this sheave in order to perform this function.

The term "motor" which is used in the claims and throughout the application is to be and has been interpreted as "the thing that imparts motion" onto the moving sheave in the context of the application.

All of D1-D5 can be seen to disclose the subject matter of claims 1 and 15 when interpreting it along these lines.

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of dependent claims 2 and 7-10 is not new in the sense of Article 33(2) PCT. The subject matter of these claims is disclosed in D1-D5.
3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 3-6 and 11-14 does not involve an inventive step in the sense of Article 33(3) PCT. The additional features of these claims refer to well known alternatives (see D1 -D5 wherein screw arrangements and torque cams are disclosed) from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill.
4. The subject matter of a claim 1 further amended to state that "the motor being rotatable in normal and reverse directions to drive the movable sheave" would still be fully anticipated by any of D1 - D5.